

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

KENNETH E. MILLER, SP 2014-LE-186 Appl. under Sect(s). 8-923 of the Zoning Ordinance to permit a fence greater than 4.0 ft. in height in a front yard of a corner lot. Located at 5633 Maxine Ct., Alexandria, 22310, on approx. 12,633 sq. ft. of land zoned R-3. Lee District. Tax Map 82-1 ((10)) 2. (Concurrent with VC 2014-LE-004.)
Mr. Hammack moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on September 24, 2014; and

WHEREAS, the Board has made the following findings of fact:

1. The applicant is the owner of the property.
2. This really is a clear-cut case.
3. There are three front yards here, and the fence proposed to be constructed is really in the functional rear yard and part of the side yard.
4. The Board has a favorable staff recommendation.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED** with the following limitations:

1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the final inspection. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the location of the fence as shown on the plat titled, "Variance Plat, Lot 2, Section 1, Clermont" as prepared by John Krobath, L.S., of Exacta Virginia Surveyors Inc., dated January 14, 2014, and as revised through August 18, 2014, as submitted with this application and is not transferable to other land.
3. All fencing shall be located outside of the structural root zone of trees. The structural root zone is defined as a radius of three (3) feet from the base of the tree for each foot of trunk diameter measured at 4.5 feet above existing grade.

4. Where roots one inch or greater in diameter are encountered during any excavation, they shall be cut cleanly at the limits of the excavation. Cuts shall be made using a handsaw or lopping shears.

This approval, contingent on the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

Pursuant to Sect.8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, six (6) months after the date of approval unless the use has been established as outlined above. The Board of Zoning Appeals may grant additional time to establish the use if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested, and an explanation of why additional time is required.

Ms. Theodore seconded the motion, which carried by a vote of 7-0.

A Copy Teste:



Lorraine A. Giovinazzo, Deputy Clerk
Board of Zoning Appeals

ACKNOWLEDGEMENT

County of Fairfax
Commonwealth of Virginia

The foregoing instrument was acknowledged before me this 30th day of September, 2014.



Notary Public

My commission expires: June 30, 2015

